Akutan Traditional Council
P.O. Box 89
Akutan, Alaska 99553-0089

CONSTITUTION OF THE AKUTAN TRADITIONAL TRIBE

PREAMBLE

We, The Aleut people of Akutan, descendents of the original inhabitants of Akutan, Akun, Tigalda, Avatanak, and Rootok Islands and citizens of the United States having common bonds of ancestry, culture, and of community identity, in order to implement our inherent right of self government and self determination as an Alaska Native people and to further our political, social, cultural, and economic progress do hereby establish this constitution and bylaws.

ARTICLE I - NAME

This is the constitution of the Akutan Traditional Tribal Council.

ARTICLE II - TERRITORIAL JURISDICTION

The Territorial jurisdiction of the Akutan Traditional Tribal Council, shall extend to the Traditional Tribal Boundaries which encompass all of Akutan, Akun, Tigalda, Avatanak, and Rootok Islands.

The jurisdiction of the Akutan Traditional Tribal Council, shall include authority over members outside the Tribes territory, including, but not limited to, the purposes of Indian Health Services and the Indian Child Welfare act, to the extent permitted by applicable law.

ARTICLE III - MEMBERSHIP

BASE ROLL: The Base Roll shall be certified by the Tribal Council within one year of the adoption of this Constitution. Once the Base Roll is certified, it cannot be changed from that date forward. Any additions of new members or corrections of structural errors on the base roll shall appear on the current tribal membership roll which shall be updated on a regular basis. The Base Roll was derived from the 1979 Bureau of Indian Affairs Enrollment and a 1940 and 1944 Census.

CURRENT ROLL: A current tribal membership roll shall be maintained and updated on a regular basis.
Biologic children of an enrolled member and Aleut children adopted by an enrolled member shall be automatically enrolled, upon notice from an enrolled parent of the birth or adoption of a child.

BASE MEMBERSHIP: All persons of Aleut descent who are listed on the Base Roll of the Akutan Traditional Tribal Council and who are not members of any other Indian or Alaska Native Tribe shall be members of the Akutan Traditional Tribe.

ARTICLE IV - ELECTIONS

Voter Qualification: Any member of the Akutan Traditional Tribe who has reached the age of eighteen (18) or older prior to the election and who has resided in the village for one (1) year immediately preceeding the election shall be eligible to vote in all tribal elections and meetings.

Elections: The Regular election of officials and of questions requiring voter approval shall be held at the annual membership meeting, notwithstanding the provisions for special elections contained in Article VII of this Constitution.

Notice: The council shall publicize all village elections in a manner reasonably designed to give all village residents notice at least fifteen (15) days before the election.

Secret Balloting: All elections of officials and on issues before the voters by initiative or referendum shall be by secret ballot.

Absentee Ballot: Any member who has to be away temporarily or is incapacitated due to illness, or physical problems may request to vote by absentee ballot.

Election Committee: Prior to any tribal election the council shall appoint responsible persons to supervise, administer and conduct the election. The council shall establish by appointment, a new election committee prior to each election. Members of the election committee shall not be members of the Tribal Council.

Qualification of Candidates: Any enrolled member of the Tribe who is at least eighteen (18) years of age and who has resided on Akutan Island for at least one (1) year immediately preceeding the election shall be eligible as a candidate for election.

Candidates: Shall file a petition of candidacy according to the ordinances set forth by the election committee and approved by the Tribal Council.

Election Ordinance: The Council shall have the power to enact election ordinances to address the specifics of election rules and procedures.

ARTICLE V - POWERS

Inherent Powers: The Akutan Traditional Tribal Council shall have the inherent powers of a tribal government, including, but not limited to those specified in this Article. All inherent powers rest with the members of the Akutan Tribe. Any powers exercised by the Tribal Council are powers specifically authorized or delegated to the Council by the members and the Tribal

Council shall do all things for the common good which it has done or has had the right to do in the past and which are not against Federal and State Laws as may apply.

To negotiate with Federal, State, and local governments and others on behalf of the tribe and to advise and consult with representatives of the United States government on all activities which may affect the tribe.

To acquire, manage, lease, use, and contract all tribal real property and other tribal assets, together with all improvements which may be acquired by the tribe from the United States government or elsewhere.

To prevent the sale, disposition, lease, or encumbrance of tribal lands, interest in lands, or other tribal assets, without the consent of the tribe.

To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law.

To adminster any funds within the control of the tribe and to make expenditures of available funds for tribal purposes in accordance with a budget approved by the tribal council. All expenditures of the tribal funds under control of the tribal council shall be made only by resolution duly approved by the tribal council in regular or special meetings, and the amount so expended shall be a matter of record available to all tribal members at all reasonable times.

To determine its own rules of procedure.

To promulgate and enforce ordinances governing the domestic relationships of members, membership ordinances, and election ordinances.

To pass ordinances that govern the conduct of all persons, and regulate all property within the tribes jurisdiction to the fullest extent allowed under applicable Federal law, that provide for administration of justice, maintenance of law and order that promote the social and economic welfare of the Akutan Traditional Tribe.

To manage tribal economic and social development activities.

To charter and regulate subordinate organizations and cooperative associations.

To take such actions as are necessary to carry into effect any of the foregoing powers and duties. The power to grant further powers and rights to the Council rests with the membership.

Any rights and powers hereto delegated are reserved to the membership in the Akutan Traditional Tribal Council but not expressly referred to in this constitution shall not be lost by reason of their omission, but may be exercised by the council through the adoption of appropriate amendments of this constitution.

The Akutan Traditional Council may exercise such further powers as may in the future be delegated to it by the Federal government, either through order of the Secretary of the Interior or by Congress, or by the State Government or by members of the Akutan Traditional Tribal Council.

Any rights and powers heretofore vested in the Akutan Tribe, but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the membership, through the adoption of appropriate constitutional amendments. The power to grant further powers and rights to council rests with the membership.

ARTICLE VI - REMOVAL FROM OFFICE

Misconduct or neglect: Any council member or other official, found guilty by the council of behavior involving gross misconduct in office or neglect of duty may be removed from office by a vote of at least three (3) members of the council by secret ballot. The accused council member cannot vote. Before any vote for removal is taken, the accused must be given written notice of the charge (charges) against him and reasonable opportunity to defend himself in a hearing before the Council. Any council member that misses three (3) consecutive regular meetings, other than for reasons of family ilness, emergencies or otherwise excusable absences is in neglect and the council will appoint a new member, subject to the due process provisions and provisions for filling vacancies in Article IV of this Constitution.

ARTICLE VII - POPULAR PARTICIPATION IN GOVERNMENT

Initiative: The eligible voters of the Akutan Traditional Tribal Council shall have the right to propose legislation or other community action. Upon receipt of a petition signed by at least twenty percent (20%) of the eligible voters. The council shall call an elction to be conducted within thirty (30) days of receipt of the petition. The election shall be by secret ballot with at least thirty percent (30%) of the eligible voters, voting to make it binding.

Referendum: The Akutan Traditional Tribal Council may call an election for the purpose of deciding any issue of question which is within the authority of the council. At least thirty percent (30%) of the eligible voters must vote for the election to be binding.

Voter Decision Binding: The decision of the majority of voters in both initiative and referendum elections shall be binding on the council and the membership, and shall remain in full force until amended or rescinded by the voters or expires by its own terms.

ARTICLE VIII - RIGHTS OF MEMBERS

Rights and privileges: All members of the Akutan Traditional Tribal council shall enjoy without hindrance their rights as Akutan Traditional Tribe, and, citizens of Alaska and the United States.

Indian Civil Rights Act: In exercising its power of self determination the Akutan Traditional tribe shall comply with the provisions of the Indian Civil Rights Act, 25 USC 1301, et. seq., and not infringe on the individual liberties guaranteed therein.

Rights to Inspect Records: Members of the Akutan Traditional Tribe Membership shall have the right to review all public records such as minutes from Council meetings, financial reports and the Constitution of the Akutan Traditional Tribal council.

ARTICLE IX - DUTIES OF OFFICERS

President: The President shall preside at all meetings of the tribe and of the council and shall execute on behalf of the Akutan Traditional Tribe all contracts, leases, or other formal documents approved by the council. He shall vote in matters before the council. He shall have the general supervision of all other officers, employees and committees of the Akutan Traditional Tribe and see that their duties are properly performed. When the council is not in session, he shall be the official representative of the Akutan Traditional Tribe.

Vice President: The Vice President shall assist the President when called upon to do so. In the absence of the President, he shall preside and when so presiding shall have all the rights, duties, privileges and responsibilities of the President.

Secretary: The Secretary shall keep the minutes of all meeting and shall attest to the enactment of all resolutions and ordinances. He shall maintain in permanent form all minutes, resolutions, ordinances and rules of the Akutan Traditional Tribe, which shall be public information. He shall issue notices of all meetings and elections and conduct all general correspondence as directed by the council.

Treasurer: The Treasurer shall carry out the financial directives of the council, receive and safeguard monies of the council and keep an accurate account of receipts and disbursements. He shall report to the council all receipts and expenditures and the amount and nature of all council funds. Funds shall be deposited in a bank approved by the council. All disbursements shall be made by check in accordance with resolutions of the council.

The positions of Secretary and Treasurer may be combined if so ruled by the council.

All records and papers compiledby all officers and the secretary and treasurer are property of the Akutan Traditional Tribe and must be turned over to the Council immediately upon vacating their seat on the Council.

The Tribal Council shall review the ordinances and resolutions every two years and suggest proposed changes to the Constitution to the membership, at the appropriate annual meeting for a vote.

ARTICLE X - MEETINGS

Quorom: A quorom of the council shall consist of three (3) members of the council. A quorom of the general membership at annual meetings and special meetings shall consist of thirty percent (30%) of the eligible voters. No business shall be conducted unless a quorom is present.

Annual Meetings of the Members: Regular meetings of the general membership, shall be held at least once annually, in the month of September. The date, time and place to be established by the council.

Special Meetings of the Members: Special meetings may be called by the President, by a majority vote of the council or upon receipt of a petition signed by at least twenty percent (20%) of the eligible voters.

Regular Meetings and Special Meetings: Regular meetings of the council shall be held monthly. Special meetings of the council may be called by the President or upon the request of at least three (3) members of the council. Business will be transacted as in a regular meeting.

Open Meetings: All meetings of the council shall be open to the tribal members; provided, that the council may recess at its discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such a session and no final or official action is taken thereon in the closed or executive session.

Decisions: Final decision of the council on matters of permanent interest shall be by ordinance. Final decisions of the council on matters of temporary interest may be by resolution.

Conflict of Interest: No council member may vote on any matter pertaining specifically to him or to an immediate family member or on any matter in which he or an immediate family member has a significant financial interest. Nothing herein bars a council member from voting on a matter in which the benefit to him is

common to that of village members at large, orbars a council member or a member of his family from employment by the Akutan Traditional Tribe. Immediate family members are defined as father, mother, spouse, son,or daughter.

Notice: All meetings of the membership must be publicized by the council at least fifteen (15) days in advance.

Parliamentary Procedures: All meetings shall be conducted in accordance with Roberts Rules of Order.

ARTICLE XI - SEVERABILITY

If any provision of this constitution should be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in effect.

ARTICLE XII - SAVINGS CLAUSE

Existing Laws Remain in Effect: All previous actions, ordinances and resolutions undertaken or passed by the Interim Council shall remain in effect following the adoption of thes Constitution.

Revisions: In the event of future constitutional revisions, all previous official actions, ordinances and resolutions of the Interim Tribal Council shall remain in effect to the extent that they are consistent with this constitution.

ARTICLE XIII - AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose, provided that at least thirty percent (30%) of those entitled to vote shall vote in such an election.

ARTICLE XIV - ADOPTION

Effective Date: This constitution shall be effective immediately when adopted by a majority vote of the eligible voters, as defined in the constitution, at an election meeting called for that purpose in which at least thirty percent (30%) of those eligible vote.

Transition: Interim Tribal Council Members elected prior to the adoption of this constitution shall remain in office until the first election under this constitution. Staggered terms of office for council officials required by this constitution will be established in the first election of officials under this constitution.

CERTIFICATE OF ADOPTION

This Constitution of the Akutan Traditional Tribal Council was Submitted for adoption to the qualified voters of the Akutan Aleut Tribe and was adopted by a vote of 58 for, and -0- against, in an election in which at least thirty percent (30%) of the Akutan Aleut Tribe are entitled to vote on January 30, 1991.

DATE: January 30, 1991.

SIGNATURES OF ELECTION COMMITTEE

Diane E. Berestin
Chairman

Jenia Berestin

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